



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/327,408	06/07/1999	PATRICK M. COX	8897-0046-99	5392

7590

03/28/2003

ALEX L. YIP
KAYE SCHOLER LLP
425 PARK AVENUE
NEW YORK, NY 10022

EXAMINER

KNOWLIN, THJUAN P

ART UNIT

PAPER NUMBER

2642

DATE MAILED: 03/28/2003

17

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/327,408	Applicant(s) COX ET AL.	
	Examiner Thjuan P Knowlin	Art Unit 2642	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 January 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 53,58-76,78-86 and 95-113 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 53,58-76,78-86 and 95-113 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 June 1999 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
 If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
 * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
 a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>16</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections – 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 53, 58-76, 78-86, and 95-113 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hogan et al (US 5,586,175).
2. In regards to claims 53, 63, 75, 95, 108, 109, 112, and 113, Hogan discloses a method and system of providing assistance service, comprising: maintaining a database including customer identifiers, a customer identifier being associated with a language identifier representing a language preferred by a customer identified by the customer identifier; receiving a call from a calling customer; obtaining a customer identifier associated with the call (col. 3 lines 49-55); determining a language identifier associated with the obtained customer identifier; connecting the call to provider capable of communicating in a language represented by the determined language identifier; eliciting a request for information from the calling customer in the language represented by the determined language identifier; and providing assistance service in response to the request (col. 4 lines 50-63 and col. 40 lines 57-67). Hogan, however, does not, directly, disclose the assistance service as being a directory assistance service. He does mention the use of directory assistance based on call parameters (col. 146 lines

Art Unit: 2642

24-33). However, it would have been obvious for one of ordinary skill in the art at the time of the invention to employ the system with directory assistance as a way of allowing customers to be able to call in for assistance, and be automatically directed to an assistance provider whom speaks their language. This would make the directory assistance process faster and more helpful to the customer and assistance provider.

3. In regards to claims 58, 73, and 96, Hogan discloses the method and system, wherein the customer identifier associated with the call comprises a telephone number (col. 3 lines 49-55).

4. In regards to claims 59, 74, and 97, Hogan discloses the method and system, wherein the telephone number comprises an ANI (col. 3 lines 49-55).

5. In regards to claim 60, Hogan discloses the method, wherein the customer identifiers in the database comprise telephone numbers (col. 3 lines 49-55 and col. 4 lines 14-26).

6. In regards to claim 61, Hogan discloses the method, wherein the assistance service includes searching for a destination telephone number desired by the calling customer (col. 146 lines 24-33).

7. In regards to claims 62, 78, and 99, Hogan discloses the method and system, wherein the assistance provider comprises an operator (col. 3-4 lines 65-6).

8. In regards to claims 64, 66, 67, 79, 81, 82, 101, 102, and 103, Hogan discloses the method and system, further comprising associating a customer identifier in the database with a priority code (col. 34 lines 21-33).

9. In regards to claims 65 and 80, Hogan discloses the method and system, wherein one or more call queues are provided (col. 34 lines 38-49).

10. In regards to claims 68, 69, 83, 84, 014, and 105, Hogan discloses the method, further comprising providing a greeting personalized to a customer having a customer identifier, and the method further comprising providing a closing personalized to a customer having a customer identifier (col. 139 lines 38-67).

11. In regards to claims 70, 71, 85, 86, 106, and 107, Hogan discloses the method and system, further comprising a voice server providing a menu of assistance options personalized to the customer based on the customer identifier (col. 92-93 lines 58-4).

12. In regards to claims 72, 95, 99, 110, and 111, Hogan discloses the system and method, for providing assistance services, comprising: a switch (call processing system AB102) for receiving a call from a customer (col. 26 lines 35-40); a customer identifier associated with the customer being derived from signals in the call (col. 3 lines 49-55); a server (NCP AB104) for determining a language identifier associated with the customer identifier, the language identifier representing a language (col. 40 lines 57-61); and a router (matrix switch AA102) for routing the call to an assistance provider that provides directory assistance in the language represented by the language identifier (col. 23 lines 51-53 and col. 24 lines 28-30).

Response to Arguments

13. Applicant's arguments with respect to claims 53, 58-76, 78-86, and 95-113 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Caccuro et al (US 5,440,615) teach a language selection for voice messaging system.

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thjuan P Knowlin whose telephone number is (703) 308-1727. The examiner can normally be reached on Mon-Fri 8:00-4:30pm.

16. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar can be reached on (703)305-4731. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9314 for After Final communications.

17. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-0377.

Thjuan P. Knowlin
March 21, 2003



AHMAD MATAR
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600